

Patent Application Number: 10/691,174  
Attorney Docket Number: A3078Q-US-NP

### **REMARKS**

Claims 1-5 are pending in the present application. Claims 4 and 5 have been added to this application.

#### **A. Rejection under 35 U.S.C. §103 over Asakawa**

Claims 1-3 have been rejected under 35 U.S.C. §103 as being unpatentable over Asakawa (US Patent 6,604,804). This rejection under 35 U.S.C. §103 to claims 1-3, and as it may be applied to newly added claims 4 and 5, is respectfully traversed.

In formulating the rejection under 35 U.S.C. §103, the Examiner alleges that Asakawa discloses shifting the zone in accordance with asymmetric timing of start and stop times of processes that must occur during this time (column 1, lines 23-47 of Asakawa); shifting images forward outside of their normally synchronized position, in multi-pitch intermediate multi-pass systems where more severe constraints for IDZ exist are for the beginning vs end of transfer, e.g., where the transfer start requires a larger time than transfer stop (column 5, line 62 to column 6, line 5 of Asakawa); and using similarly asymmetric IDZ zones and varying their arrangement to precess each successive document (column 6, lines 7-24 of Asakawa).

However, the Examiner recognizes that Asakawa fails to disclose determining the minimum IDZ necessary given the need for larger IDZ for transfer start or other specific IDZ process and the need to provide synchronous images on successive passes within each document. To meet this deficiency in the teachings of Asakawa, the Examiner argues, "While [Asakawa] does not explicitly disclose that blank borders exceed a minimum design distance, the calculation of such information is possible."

Based upon these allegations, the Examiner concludes that Asakawa renders the presently claimed invention obvious to one of ordinary skill in the art. These allegations and conclusion are respectfully traversed.

#### **1. Independent claim 1**

As set forth above, independent claim 1 recites a method to reduce a total inter-document zone region in a multi-pitch intermediate multi-pass system. The claimed method shifts individual inter-document zones, in a multi-pitch intermediate multi-pass system, in accordance with asymmetric timing of start and stop times of processes

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occurring within the individual inter-document zone; shifts individual images, in a multi-pitch intermediate multi-pass system, forward to a position outside of a normally synchronized position of the image; varies an arrangement of similarly asymmetric inter-document zones to precess each successive document; and determines a minimum inter-document zone in accordance with an inter-document zone requirement associated with a transfer start and a requirement to provide synchronous images on successive passes within each document.

Initially, the Examiner readily recognizes that Asakawa fails to disclose determining the minimum IDZ necessary given the need for larger IDZ for transfer start or other specific IDZ process and the need to provide synchronous images on successive passes within each document. To overcome this deficiency in the teachings of Asakawa, the Examiner asserts that the deficiency is moot because the calculation of blank borders exceeding a minimum design distance is possible.

Initially, the Applicant does not comprehend how the calculation of blank borders exceeding a minimum design distance being possible make the determination of the minimum IDZ necessary given the need for larger IDZ for transfer start or other specific IDZ process and the need to provide synchronous images on successive passes within each document obvious to one of ordinary skill in the art. How does the calculation of blank borders exceeding a minimum design distance relate to the determination of the minimum IDZ necessary given the need for larger IDZ for transfer start or other specific IDZ process and the need to provide synchronous images on successive passes within each document?

Moreover, the Examiner holds forth that when a reference is silent to the claimed determination but other calculations are possible (the realization that these calculations are possible has no discernible nexus to the claimed determination), one of ordinary skill in the art would be motivated by the knowledge that such calculations are possible to make the claimed determination. This position by the Examiner is both arbitrary and capricious.

A determination cannot be declared obvious because the Examiner asserts that a set of calculations are possible. Many determinations are possible, but the existence of a possibility of a determination does not render the determination obvious. Moreover, assuming that "possibility" is a proper criterion, must the possibility of such a

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determination be more likely than not, clear and convincing, beyond a reasonable doubt, 80% possible, 99.99% possible, etc.?

It is clear that the Examiner has failed to establish a prima facie case with respect to obviousness under 35 U.S.C. §103.

However, assuming *en arguendo*, that the Examiner can rely upon possibilities to establish obviousness, the teachings of Asakawa fail to render the presently claimed invention obvious to one of ordinary skill in the art.

Asakawa teaches, at column 8, lines 1-29, the determination of the remainder data (R) based upon the gap (G) between two documents, the partial data left in the swath buffer (Pd), and the swath height (S) of the printer head. The determined remainder data (R) provides information to the printing system with respect to how much of the lower portion of a printer head can be utilized to print the next page. Asakawa teaches that the determination of remainder data (R) enables the more efficient printing results.

The teachings of Asakawa are not concerned with inter-document zone management. Moreover, Asakawa fails to disclose or suggest determining a minimum inter-document zone in accordance with an inter-document zone requirement associated with a transfer start and a requirement to provide synchronous images on successive passes within each document.

Therefore, contrary to the Examiner's assertion, Asakawa fails to disclose, suggest, or render obvious to one of ordinary skill in the art the determination of a minimum inter-document zone in accordance with an inter-document zone requirement associated with a transfer start and a requirement to provide synchronous images on successive passes within each document, as set forth by independent claim 1.

#### **4. Dependent claims 2-5**

With respect to dependent claims 2-5, the Applicant, for the sake of brevity, will not address the reasons supporting patentability for these individual dependent claims, as these claims depend directly from allowable independent claim 1. The Applicant reserves the right to address the patentability of these dependent claims at a later time, should it be necessary.

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Accordingly, in view of remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §103.

**CONCLUSION**

Accordingly, in view of all the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present rejection. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,



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